

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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SHAYNE M. PIERING,

Plaintiff,

AMERICAN FAMILY MUTUAL INSURANCE COMPANY, S.I.  
UNITED HEALTHCARE,

Involuntary Plaintiffs,

Case No. 21-CV-01045

vs.

CITY OF WAUWATOSA,  
CITY OF WAUWATOSA POLICE DEPARTMENT,  
GEORGE N. OPELT,  
XYZ POLICE OFFICERS, and  
JAMES MACGILLIS, Police Chief,

Defendants.

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**DEFENDANTS' ANSWER TO CLAIM OF AMERICAN FAMILY MUTUAL INSURANCE  
COMPANY, S.I. UNITED HEALTHCARE**

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Defendants, City of Wauwatosa, City of Wauwatosa Police Department, George N. Opelt,  
and James Macgillis by their attorneys, Gunta Law Offices, S.C., submit their Answer to  
Involuntary Plaintiff's Claim and Cross-Claim as follows:

**CLAIM**

1. Lack knowledge and information sufficient to form a belief as to the truth or falsity of this Paragraph, and therefore deny and put Involuntary Plaintiff to its proof.
2. Lack knowledge and information sufficient to form a belief as to the truth or falsity of this Paragraph, and therefore deny and put Involuntary Plaintiff to its proof.
3. Deny.
4. Lack knowledge and information sufficient to form a belief as to the truth or falsity

of this Paragraph, and therefore deny and put Involuntary Plaintiff to its proof.

5. Deny.

### **CROSS-CLAIM**

4.[sic] These Defendants reallege and incorporate Paragraphs 1 through 5 of this Answer.

5. [sic] Lack knowledge and information sufficient to form a belief as to the truth or falsity of this Paragraph, and therefore deny and put Involuntary Plaintiff to its proof.

A. These Defendants deny Involuntary Plaintiff is entitled to such Judgment.

B. These Defendants deny Involuntary Plaintiff is entitled to such Judgment.

C. These Defendants deny Involuntary Plaintiff is entitled to such Judgment.

D. These Defendants deny Involuntary Plaintiff is entitled to such Judgment.

### **AFFIRMATIVE DEFENSES**

1. American Family Mutual Insurance Company, S.I. is not appropriately classified as an involuntary plaintiff and should not have been brought into the case as one.

2. State subrogation laws are preempted by ERISA.

3. Involuntary Plaintiff's Complaint fails to state a claim upon which relief can be granted.

**WHEREFORE**, Defendants demand judgment dismissing this Claim and Cross-Claim and awarding their costs and reasonable attorney's fees.

Dated at Wauwatosa, Wisconsin, this 25<sup>th</sup> day of October 2021.

GUNTA LAW OFFICES, S.C.  
Attorneys for Defendants

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